



# Joe Leibham

**State Senator**  
**9th State Senate District**

## **Senator Joe Leibham**

*Assembly Bill 280 Testimony*  
*August 20, 2009*

Chairman Turner,

I appreciate your willingness to hear public testimony on Assembly Bill (AB) 280. I am pleased to be co-authoring this important law enforcement bill with Representative Van Akkeren.

AB 280 seeks to ensure that a computer used in the commission of a crime will not be returned to the convicted criminal for potential reuse. It will also give local law enforcement agencies the flexibility to donate computers used in crimes to charitable organizations or donate proceeds from the sale of the computers to the school fund.

I introduced AB 280 at the urging of a Detective at the Sheboygan Police Department. Unfortunately, as we all know, more and more crimes are being committed with the use of a computer. Child pornography, solicitation, identify fraud, gambling and investment schemes are just a few of these high tech crimes. Under current law, the computers used in the commission of these crimes can only be retained during the investigation of the crime and are often times returned to the criminal. AB 280 would allow the law enforcement agency to acquire the computer through a forfeiture proceeding, thus ensuring that the equipment is not returned to the convicted criminal for reuse.

The forfeited computer could be retained by the law enforcement agency for its own use, donated to a nonprofit organization or another government agency, or sold with 50% of the proceeds of the sale being retained by the agency and the remainder being deposited in the common school fund.

Various other items used in the commissions of crimes are already allowed, under current law to be items of forfeiture. These include: a vehicle used to transport property used or received in committing a felony; a vehicle used in committing a crime relating to prostitution; property used in committing a stalking offense or a criminal violation of a domestic abuse, child abuse, or harassment restraining order or injunction; and pirated, bootlegged, and counterfeit recordings and any equipment used to make them.

Under AB 280, a computer that is used, with the knowledge and consent of its owner, in the commission of a crime would be added to this list of items that would be subject to forfeiture.

While computers are becoming more a part of our every day life and have offered us enormous opportunities, unfortunately, they are also becoming more a part of criminal activity. AB 280 can turn hundreds of negative situations into positive ones by ensuring that the computers used in crimes to harm an individual and the public good are not returned to the criminal, and allows the high-tech expensive equipment to be donated by our law enforcement to benefit our entire society.

Thank you again Mr. Chairman for holding a public hearing on AB 280.